IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 21704 of 2007(H)

PETITIONER:

ELIKUTTY.T.T., W/O.JOHNYKUTTY,
OODUPUZHAYIL, RAMAPURAM.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:

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1. THE ADDITIONAL TAHSILDAR, PALAI.

2. BRIGITHA, W/O.ZACHARIAS,
THEVALAKKATTU, RAMAPURAM.

BY GOVT. PLEADER SRI.BENJAMIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 21704 OF 2007 - H

Dated this the 24th day of July, 2007

J U D G M E N T

The petitioner challenges Ext.P6 notice by which she has been directed to show cause why she should not be evicted from the properties mentioned therein on the ground that she has encroached into the Government land. She has filed Ext.P7 objection to the same. The contention of the petitioner is that even without passing any orders, the petitioner is sought to be evicted from the property in question.

2. I have heard the learned Government Pleader also. It is trite law that unauthorised occupation can be evicted under the Kerala Land Conservancy Act only after affording an opportunity of being heard and passing a speaking order.

3. In the above circumstances, the writ petition is disposed of as follows:-

The first respondent shall afford an opportunity of being heard to the petitioner as well as the second

respondent which shall include opportunity to adduce evidence also. Thereafter, the first respondent shall pass a speaking order dealing with the contentions of the parties, based on the evidence to be adduced. The petitioner shall not be evicted until after seven days from the date of communication of the order passed to the petitioner.

Sd/-
S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007